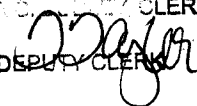


OCT 27 2011

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JULIA D. ... CLERK  
BY:  DEPUTY CLERK

UNITED STATES OF AMERICA,	)	
	)	Criminal No. 7:04cr00072-4
	)	
v.	)	<u>2255 FINAL ORDER</u>
	)	
OTIS ANTONIO SMITH.	)	By: Samuel G. Wilson
	)	United States District Judge

For the reasons stated in the accompanying Memorandum Opinion, it is hereby

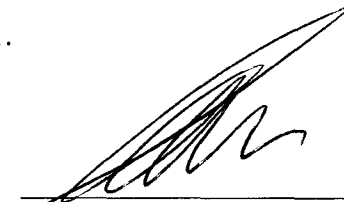
**ORDERED and ADJUDGED**

that Smith's 28 U.S.C. § 2255 motion (Docket No. 672) is **DISMISSED without prejudice** as successive; and this case is hereby **STRICKEN** from the active docket of the court.

Further, finding that Smith has failed to make the requisite substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c), a certificate of appealability is **DENIED**.

The Clerk is directed to send copies of this Order and the accompanying Memorandum Opinion to the parties.

ENTER: This 26th day of October, 2011.

  
\_\_\_\_\_  
United States District Judge